UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.55
10 February 1999

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Croatia

1. The Committee considered the initial, second and third periodic reports of Croatia (CERD/C/290/Add.1) at its 1276th and 1277th meetings, on 3 and 4 August 1998, and, at its 1295th meeting, on 17 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party, in particular the information on economic, social and cultural rights of minorities. The Committee further welcomes the supplementary information given to it during the examination of the report. It expresses its appreciation for the dialogue with the high-level delegation and for the answers given orally to the wide range of questions asked by members.

3. The Committee regrets, however, that the report contains information almost exclusively on the legal framework for the protection of rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention. The Committee further regrets that the report does not sufficiently respond to the Committee's concluding observations on the State party's special report examined in 1995 (A/50/18, paras. 163-178).

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party is going through a difficult period of political, economic and social change as a consequence of the diverse conflicts in the former Yugoslavia, and that these factors, together with major population movements, have resulted in significant obstacles to the full implementation of the Convention.

C. Positive aspects

5. The Committee welcomes the ongoing process of gradual normalization of inter-ethnic relations on the territory of the State party. It expresses particular appreciation of the declared commitment of the State party to undertake confidence-building measures in this field and welcomes its spirit of cooperation with the Committee and appropriate United Nations bodies.

D. Principal subjects of concern

6. The Committee reiterates its observations regarding the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities.

7. With respect to article 2 of the Convention, the Committee is concerned about the reduction of the proportionate representation of the Serbian ethnic community in the Croatian Parliament following the proclamation of a constitutional law on temporary suspension of certain provisions for freedoms and the rights of national and ethnic communities and minorities in the State party.

8. The Committee notes with concern the lack of legal provisions required in order to implement the State party's obligations under article 4 (b) of the Convention, that is the absence of legislative measures declaring illegal and prohibiting organizations which promote and incite racial discrimination.

9. With respect to article 4 of the Convention, concern is also expressed at incidents of hate-speech directed at the Serb minority in Croat media, and the failure of the State party to take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through print and audio-visual media.

10. While recognizing the problems confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons and while noting the recent establishment of a National Programme for Returns, the Committee remains concerned at the serious difficulties and violence encountered by returnees and displaced persons, in particular ethnic Serbs, in returning to areas of origin, or by refugees when claiming their right to have property restored to them or to receive compensation upon return to their place of origin. In this respect the Committee is concerned about the difficulties of the return of Serbs and others displaced in Eastern Slavonia, Baranja and Western Sirmium. The Committee calls the attention of the State party to its general recommendation XXII (49) of 16 August 1996 concerning the rights of refugees and displaced persons.

11. With respect to article 5 of the Convention, the Committee is further concerned that articles 8 and 16 of the Croatian Law on Citizenship seem to establish different criteria for ethnic Croats compared with other minorities in Croatia in granting citizenship. It is also concerned at the excessive delays in the processing of applications for citizenship, in particular those of ethnic Serbs, which have resulted in applicants losing social and educational benefits.

12. As regards the implementation of articles 5 and 6 of the Convention, the report does not contain sufficient information as to the steps taken to ensure the practical implementation of the right to equal treatment before the courts and effective remedies so that victims of racial discrimination can secure the punishment of discriminatory acts and reparation for injury. The Committee is concerned at continuing reports about the failure of the criminal justice system to adequately deal with all crimes of an ethnic nature and the subsequent tendency to fail to prosecute alleged perpetrators of crimes directed at ethnic Serbs, whereas there are reports that Croatian Serbs have been unfairly prosecuted or excessively punished when allegations of illegal activity directed at non-Serbs have been brought.

13. With respect to article 7 of the Convention concern is expressed that according to continuing reports, strong control is exercised by the Government of certain mass media, particularly television, and that some graphic media are allowed to use discriminatory speech. Concern is also expressed that reports from United Nations bodies point to a lack of information and awareness among the Croat population of international human rights standards in general and of the Convention in particular.

E. Suggestions and recommendations

14. With respect of article 2 of the Convention, the Committee recommends that the State party reinstate the provisions for the fair and proportionate representation of the Serbian ethnic community in the Croatian Parliament.

15. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give full effect to the provisions of that article to declare illegal and prohibit organizations which promote and incite racial discrimination and also take measures against the use of mass media for incitement to ethnic hatred. In this last respect the Committee reiterates its previous recommendation to the State party to comply with article 4 of the Convention and prohibit and prosecute all acts of incitement to ethnic hatred.

16. The Committee recommends that the State party introduce adequate measures to ensure and monitor the implementation in practice of the newly introduced National Programme for Return, in particular with respect to the Serbs displaced in Eastern Slavonia, Baranja and Western Sirmium and recommends that the State party inform it about the nature and results of its efforts in its next periodic report. The Committee further urges the State party, as a matter of urgency, to take steps to ensure the right to security of person and protection against violence or bodily harm of returnees.

17. With respect to the acquisition of citizenship, the Committee recommends that the State party take steps to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner.

18. The Committee recommends that the State party take measures to ensure the prosecution of persons allegedly responsible for having committed racially motivated crimes, regardless of the racial, ethnic or religious origin of the perpetrator or the victim. The Committee further recommends that the State party include detailed information on such measures in its next periodic report, as well as information on racially motivated crimes, including for example, the number of complaints and judicial decisions with regard to compensation awarded to victims or criminal sanctions.

19. The Committee recommends that the State party use all effective measures to familiarize the public with the Convention, in order to change traditional prejudices against certain minorities, and to convey messages of tolerance. In this regard, the State party should continue to provide instruction on international human rights standards in schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and, in particular, in the light of general recommendation XIII (42) of 16 March 1993 relating to law enforcement officials.

20. The Committee recommends that the State party take concrete measures in order to guarantee freedom of association without distinction as to ethnic origin and that mass media, in all their forms, including electronic form, are open to all ethnic groups without distinction. The Committee also recommends that the State party take effective measures in order to stop racist and discriminatory speech in some graphic media.

21. In its forthcoming report, the State party should include detailed information relating to the practical implementation of the Convention, including information on the independence of the judiciary; the reintegration of Eastern Slavonia; what it has done to discharge its obligation to cooperate with the International Tribunal for the Former Yugoslavia; clarification as to the legal definitions used for describing different minorities; and updated information on the demographic composition of the Croatian population.

22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

23. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

24. The Committee recommends that the State party's next periodic report, due on 8 October 1998, be an updating report and that it address all the points raised in the present observations.